United States Coast Guard
INTERNATIONAL MARITIME ORGANIZATION
International Maritime Organization e-newsletter
Covering issues under consideration at the International Maritime Organization of interest to the United States

In this Issue

Visit our webpage for information on the upcoming IMO sessions, public meetings in preparation for upcoming session, agendas for each upcoming session, and final reports of past sessions.

www.uscg.mil/imo

From the Director's Desk

It has been only four months since the last issue of the USCG IMO e-newsletter was released, but there is much to report. In addition to the number of sessions attended by United States delegates, the United States has been active with the IMO on three fronts: Executive Order 13536, Working Group 3 of the Contact Group on Piracy off the Coast of Somalia (CGPCS), and the Deepwater Horizon incident in the Gulf of Mexico.

As mentioned in previous issues, the United States government is deeply concerned about the unprecedented level of piracy off the coast of Somalia, and its impact on commercial shipping, the safety of mariners, and the delivery of critical humanitarian assistance to that country. On April 13, 2010, President Obama issued Executive Order 13536 to focus attention on restricting support for pirates and their activities as part of a counter-piracy strategy. To help reassure the industry, the United States Delegation to the 87th Session of the Maritime Safety Committee invited representatives from the United States Departments of State and Treasury to give a presentation to all delegates on the executive order. The presentation provided the background and intent of the executive order, and generated a productive discussion on the topic. In addition, I was again honored to chair the CGPCS Working Group 3, where I was joined by 28 nations and 18 inter-governmental and non-governmental organizations to strengthen shipping self-awareness and other capabilities. Topics discussed at this session included methods to resolve concerns regarding seafarer welfare, anti-piracy training for seafarers, and ways to continue to improve, distribute, and implement the best management practices.

We have been working closely with the IMO on another equally pressing issue—the Deepwater Horizon incident in the Gulf of Mexico. Within days of the incident, the IMO Secretary-General sent a letter to the United States Ambassador to the United Kingdom, expressing sympathy and interest in the investigation. Upon request by the United States, the IMO graciously assisted national efforts to inform the international maritime community of the incident and recovery efforts, and provided notices to mariners through Circular Letter 3061. In addition, the United States will ensure that outcomes of the investigation are submitted to the IMO, so that any lessons learned may be used to help improve international maritime governance, and benefit the global maritime community and the marine environment.

Since our last issue, the United States has also actively engaged in two committee sessions, five subcommittee sessions, and one diplomatic conference. This edition contains reports on each of these sessions and how their outcomes affect the United States.

We have an exciting summer and early fall ahead of us with eight IMO sessions. I once again thank you for your interest in the USCG IMO e-Newsletter and welcome any comments or suggestions for future editions.

Jeff Lantz
Director of Commercial Regulations & Standards

87th Session of the Maritime Safety Committee

The 87th session of the Maritime Safety Committee (MSC) convened May 12–21 at the IMO headquarters in London. The primary issues addressed included the adoption of amendments to the International Convention for the Safety of Life at Sea (SOLAS), and approval of numerous circulars. The United States delegation actively participated in the Committee's three working groups on Goal -Based Standards (GBS) for new ship construction; Long Range Identification and Tracking Systems (LRIT); and Measures to Enhance Maritime Security/Piracy and Armed Robbery Against Ships.

The committee adopted SOLAS amendments to the GBS standards, the associated construction standards, the guidelines for verification of conformity, and guidelines for the information to be contained in a ship construction file. These SOLAS amendments will enter into force on January 1, 2012, and the regulations will be applicable on or after July 1, 2016.

Regarding LRIT, the committee approved the European Maritime Safety Agency's (EMSA) establishment, operation, and maintenance of an International Data Exchange (IDE) from 2011 to 2013. The United States agreed to facilitate this by transferring the code and instructions set for the interim IDE. The committee agreed to establish a data facility at the IMO so that flag states may voluntarily distribute information to security services fighting piracy and armed robbery against ships. Flag state participation would be entirely optional; IMO would not exercise any operational power, nor would there be any cost to security services or IMO member states.

Container ship Maren Maersk under construction, Odense steel shipyard Photo by: Trkuk Wright Financial Times

The committee adopted two new circulars—one to recommend guidelines for security-related training and familiarize all port facility personnel with security practices, and another about shore leave and access to ships by seafarer welfare and labor organizations. Members also considered recommendations for guidance on the investigation of piracy and armed robbery against ships, and both the United States and the International Christian Maritime Association (ICMA) proposed guidelines to care for seafarers and other persons onboard such ships. The committee requested that both these proposals be considered at MSC 88.

The committee favorably received the Intersessional Meeting of the Formal Safety Assessments (FSA) experts group's report of the FSA on dangerous goods transport in open-top containerships. The committee also noted the report of the joint working group on the human element from MEPC 59, which proposed establishing an ad hoc joint IMO/ILO working group for guidance on the role of seafarer safety representatives.

The committee took note of United States Executive Order 13536, which targets for designation those who threaten peace and stability in Somalia, including acts of piracy and armed robbery off that country's coast. The United States provided an information paper and presentation on this executive order, prepared by the Departments of Treasury and State. The presentation, which answered questions about the executive order, was well received by industry.

The next session of MSC is scheduled for November 24–December 3, 2010, in London.

Goal Based Ship Construction Standards

Until now, the only IMO regulation on hull construction was SOLAS chapter II-1 which simply states that ships be constructed according to the requirements of a recognized classification society. Since 2002, the IMO has been working to develop an international standard to ensure ship's structural safety for its entire life span. Unlike traditional IMO standards, the organization agreed not to set prescriptive requirements but to develop Goal Based Standards (GBS), that are clear, demonstrable, viable, and long-standing. This broad overarching approach could be used for not only hull construction, but any safety, environmental, or security related standards that the organization may need to address.

The GBS Working Group, under the chairmanship of Captain Patrick Little of the USCG, used these principals to complete the organization's first ship construction standards over the course of several sessions. These standards and associated SOLAS amendments were adopted at MSC 87 and require new bulk carriers and oil takers of 150 m and greater be designed and built to classification rules which have been verified by the IMO to meet the new GBS Ship Construction Standards. In addition the new standards require a Ship Construction File (SCF) containing the GBS functional requirements applied, be provided on delivery of a new ship, and kept on board for surveyors and flag State inspectors throughout the ship's service life.

These new standards will apply to ships with building contract placed on or after 1 July 2016, a keel laid on or after 1 July 2017, or delivery after 1 July 2018. Class Societies are required to submit their rules to IMO for verification of conformity to the GBS by the end of 2013.

60th Session of the Marine Environment Protection Committee

The 60th session of the Marine Environment Protection Committee (MEPC) met from March 22–26, 2010, at the IMO's headquarters in London. The committee addressed several important topics, including greenhouse gas (GHG) emissions, ballast water management (BWM), ship recycling, the use and carriage of heavy grade oil on ships operating in Antarctica, formal safety assessment, various MARPOL Annexes, and MARPOL special areas.

MEPC 60 adopted amendments to MARPOL, and established the entry-into-effect date for the Wider Caribbean Region (WCR) Special Area. At the request of 22 Caribbean countries (including the United States), the committee agreed to set May 1, 2011 as the entry-into-effect date for special area discharge regulations in the WCR. The committee adopted amendments to MARPOL Annex VI to designate the North American Emission Control Area (ECA), with an entry-into-effect date of August 1, 2011. MEPC 60 also adopted an amendment to ban the use and carriage of heavy grade oil on ships operating in Antarctica (approved at MEPC 59).

Basic approval was granted for eight BWM systems, and final approval was granted for four BWM systems. The committee also adopted a resolution to encourage the installation of BWM systems on new ships in accordance with the application dates contained in the convention.

Vessel discharging ballast water in the North Atlantic.

MEPC 60 made further progress on a number of important environmental issues. The GHG group continued its work on the Energy Efficiency Design Index (EEDI), and MEPC decided on an intersessional for its finalization. The committee also agreed on terms of reference and evaluation criteria for an intersessional expert group to compare market-based measures that have been proposed to complement the EEDI. The ship recycling group continued its work developing guidance for the convention. The Annex V correspondence group submitted its interim report to the committee, and will submit its final report to MEPC 61. The committee noted progress made by the formal safety assessment working group in determining a Cost of Averting a Tone of Oil Spilt (CATS) criterion, and it urged member governments to verify and adjust the proposed oil spill cost regression formula, submit the data for each cost component, and present the results of the analysis at MEPC 61.

The committee looked at a proposal for the creation of special areas within Annex IV and the development of regional arrangement provisions for various MARPOL annexes. These proposals will be further developed during the interim between MEPC 60 and MEPC 61.

The next session of MEPC will convene on the September 27, 2010, in London, England.

HNS Diplomatic Convention

The IMO diplomatic conference to revise the HNS Convention was held April 26–30, 2010, at IMO Headquarters in London, in lieu of a spring legal committee meeting. The HNS Convention sets forth an international régime to compensate states for damages caused by carriage of hazardous and noxious substances at sea. The convention establishes liability to ship owners, and includes an additional cargo receiver-financed general fund for second-tier liability once ship owners have reached their liability limitation. Though it was adopted in 1996 and modeled on another successful IMO compensation and liability régime—the International Convention on Civil Liability for Oil Pollution Damage—the HNS Convention has thus far failed to meet the necessary requirements to enter into force (i.e., it does not have the required contracting party or tonnage status).

To facilitate the convention's entry into force, the conference considered a draft protocol to resolve several practical problems that prevented many states from ratifying the original convention. The conference successfully concluded with the adoption of the draft protocol and four resolutions (HNS Protocol). It is anticipated that this will enable the HNS Convention to finally come into force through the HNS Protocol. The United States actively participated in the conference by reviewing, revising, and finalizing the language of the HNS Protocol. Although damage caused by the carriage of oil is covered under the International Convention on Civil Liability for Oil Pollution Damage rather than the HNS Protocol, the United States acknowledged the need for robust liability and compensation régimes for damage caused by harmful substances carried by sea, particularly in light of the ongoing Deepwater Horizon incident in the Gulf of Mexico. The Legal Committee is not scheduled to meet again until 2011.

North American Emissions Control Area

The IMO amended the International Convention for the Prevention of Pollution from Ships (MARPOL) designating specific portions of United States, Canadian and French waters as an Emission Control Area (ECA), an area in which stringent international emission standards will apply to ships. These standards will dramatically reduce air pollution from ships and deliver substantial air quality and public health benefits that extend hundreds of miles inland.

In 2020, the Environmental Protection Agency (EPA) expects emissions from ships operating in the designated area to be reduced by 320,000 tons for nitrogen oxide (NOx), 90,000 tons for particulate mater (PM), and 920,000 tons for sulfur oxide (SOx), which are 23 percent, 74 percent, and 86 percent, respectively, below predicted levels in 2020 absent the ECA.

In practice, implementation of the ECA means that ships entering the designated area, which extends 200 nautical miles from shore would need to use compliant fuel for the duration of their voyage that is within that area, including time in port as well as voyages whose routes pass through the area without calling on a port. The ECA standard for the quality of fuel will change over time. From the effective date in 2012 until 2015, fuel used by all vessels operating in designated areas cannot exceed 1.0 percent sulfur. Beginning in 2015, fuel used by vessels operating in these areas cannot exceed 0.1 percent sulfur. Beginning in 2016, NOx after treatment requirements become applicable. EPA is continuing to investigate whether other areas of the US may benefit from ECA designation.

53rd Session of the Subcommittee Ship Design and Equipment

The 53rd session of the International Maritime Organization's Subcommittee on Ship Design and Equipment (DE) met in London this past February 22–26, 2010.

As usual, the agenda for this session was extremely heavy. There were a number of items of particular note. One was the development of the Polar Code, a mandatory code for ships operating in polar waters. DE agreed that the Polar Code be compulsory, apply to both polar areas, contain measures common to both polar regions and specific to the Arctic and Antarctic as necessary, incorporate both mandatory and recommendatory measures, and be implemented as a stand-alone instrument by amendments to existing IMO instruments. These instruments include the International Convention for the Safety of Life at Sea (SOLAS), the International Convention for the Prevention of Pollution from Ships (MARPOL), and the International Convention on Standards of Training, Certification and Watchkeeping (STCW). Based on United States delegation comments, the group agreed to develop the code by focusing on risk-based and functional requirements supported by prescriptive measures. DE established an intersessional correspondence group coordinated by Norway, and agreed to establish a working group at DE 54.

DE completed development of guidelines for evaluation and replacement of lifeboat on-load release mechanisms, and amendments to the revised recommendation on testing of life-saving appliances (Res. MSC.81 (70)). These relate to new International Life-Saving Appliance (LSA) Code requirements for lifeboat on-load release mechanisms to be approved at the 87th session of the Maritime Safety Committee (MSC 87). DE also completed a draft MSC circular to determine the safe working load of liferaft launching appliances on passenger ships, in order to clarify how new liferaft occupant weight criteria apply to passenger versus cargo ships, for approval at MSC 87.

DE has also been making progress on standards and requirements for protective coatings and corrosion protection for tanks and spaces on ships. At this session, DE completed two draft MSC resolutions for approval at MSC 87. One resolution would establish a performance standard for protective coatings for crude oil tankers; the other would institute a performance standard for alternative means of corrosion protection for cargo oil tanks of crude oil tankers.

The subcommittee completed an initial draft of guidelines for passenger ship tenders to address safety matters, and agreed to forward it to other subcommittees for consideration and comments for completion at DE 55, tentatively scheduled for March 2011.

The subcommittee on Flag State Implementation (FSI) also considered alternative arrangements for bottom inspection requirements applicable to all but ro-ro passenger ships. Currently, passenger ships are required to have two drydock surveys within a five-year period. FSI considered the provision of a suitable, well-planned and executed in-water survey as an alternative for one of those drydock surveys. At this session, DE completed draft guidelines for assessing technical provisions for the performance of an in-water survey in lieu of bottom inspection in drydock. This would permit one drydock examination in any five-year period for all but ro-ro passenger ships. The associated draft MSC circular will be considered for approval at MSC 87.

Due to the heavy agenda and list of work program items, the subcommittee will be meeting again this year. The next session of the subcommittee is scheduled for October 25–29, 2010.

14th Session of the Subcommittee on Radiocommunications and Search and Rescue

The 14th session of the International Maritime Organization's Subcommittee on Radiocommunications and Search and Rescue (COMSAR) met in London March 8–12, 2010. COMSAR 14 advanced a wide range of issues through its three working groups of Technical Communications, Search and Rescue (SAR), and e-Navigation. Numerous agenda topics were addressed within each specific working group, as well as in plenary sessions. Topics of immediacy or recent refocus included means for disseminating piracy information, measures to protect the safety of persons rescued at sea, and aspects of the International Telecommunication Union (ITU). Other agenda items in the work program covered long-standing topics on communications including standards, equipment, and technology as well as, satellite services, and general search and rescue issues.

The GMDSS system has continued to evolve since its entry into force and implementation in February 1999. Further progress was made on items such as provision of maritime safety information services, ensuring full consideration and support of maritime needs at the upcoming World Radiocommunication Congress overseeing radio regulations, the growing use and types of man overboard devices, and publishing the draft revised performance standards for enhanced group call equipment. The idea of GMDSS modernization is on the horizon. The March 2011 session of COMSAR should be able to progress the agenda topic of Scoping exercise to establish the need for a review of the elements and procedures of the GMDSS. It is well recognized that, although necessary, this will not be a simple workload. Member governments and organizations are encouraged to submit comments and suitable proposals.

COMSAR agreed to a major amendment to the International Aeronautical and Maritime Search and Rescue (IAMSAR) manual. These draft amendments were subsequently approved at MSC to become applicable on June 1, 2011. The primary impact on Volume III, which must be carried onboard all SOLAS ships, is to update communications information as well as other terms now in common use. The other two volumes contain more extensive changes to SAR operational procedures and practices. The IAMSAR manual will be published as a new edition in the second half of 2010, and then begin the cycle of a new edition every three years and the next edition will be released in 2013. COMSAR will keep its focus on all three volumes of the IAMSAR Manual, in order to complete the restructuring and updating of this document that is used around the world.

The next session of the subcommittee is tentatively scheduled for March 7-11, 2011.

14th Session of the Subcommittee on Bulk Liquids and Gases

The Subcommittee on Bulk Liquids and Gases (BLG) held its 14th session February 8–12, 2010. The U.S. delegation was successful on two important issues concerning fuels. Estonia had submitted a 'chemicals reporting form' on shale oil under MARPOL Annex II, but the United States convinced the other delegates that shale oil should be carried under MARPOL Annex I, to ensure that the IMO's treatment of shale oil was consistent with that of other UN agencies. The interim rules for the carriage of biofuels were also adjusted so that possible combinations with petroleum fuels now fall into broader areas—namely petroleum fuels with up to 25% biofuel content, fuels with more than 25% biofuel content but less than 99% biofuel, and 99+% biofuels. Previously, 15% was the dividing line between the first two categories. The United Kingdom stated that no special oil discharge monitoring equipment would be needed in the first category, and that equipment currently installed under Annex I is effective.

The United States also managed to halt a measure to ban blending onboard vessels. What had begun at BLG 13 as a proposal to ban blending of Annex I fuel and Annex II biofuel cargoes underway was turned into a total ban on any kind of blending at the intervening MEPC. Because such a ban would be an impossible proposition for oil field stimulation vessels, the measure was held at the working group level until BLG 15. By then, the blending ban will be set out more clearly to avoid adverse impacts.

The United States also continued to chair the working group on MARPOL Annex VI (air pollution), and developed draft revised guidelines for monitoring the worldwide average sulfur content of fuel oils supplied for use onboard ships. Because significant work remains in such areas as selective catalytic reduction of oxides of nitrogen, an intersessional correspondence group, also under our chairmanship, will report to BLG 15.

BLG 14 also saw the United States active in the working group on ballast water management (BMW). The group also meets at sessions of MEPC, so BMW activities will be reported under that committee.

The next session of the subcommittee is tentatively scheduled for February 7–11, 2011.

54th Session of the Subcommittee on Fire Protection

The 54th session of the IMO Subcommittee on Fire Protection (FP) was held the week of April 12–16, 2010, against the backdrop of the Eyjafjallajökull volcano eruption in Iceland, which completely closed United Kingdom airspace and stranded United States and many other delegations in London for an extra week. Despite the unexpected drama, all United States objectives were achieved.

The United States chaired the working group on performance testing and approval standards for fire safety systems which completed its work on a number of guidance documents, one of which revised the Fire Safety Systems (FSS) Code for the design of fixed high expansion foam systems, and improved the design of cargo hold and vehicle space fixed gas extinguishing systems. A significant agreement was reached regarding machinery space water mist systems, which will allow the systems to be installed in spaces up to twice the tested volume based on industry research. The Bulk Liquids and Gases (BLG) subcommittee had concerns about chapter 14 of the FSS Code developed at FP 53, which would harmonize and clarify the requirements for fixed deck foam systems on oil and chemical tankers based on SOLAS chapter II-2. To address these concerns, the group clarified the basis for the proposed revisions and submitted them for BLG 15's consideration, with a view to completion at FP 55.

The subcommittee also completed a comprehensive review of the International Code for Application of Fire Test Procedures (FTP Code) after four years of work. The amended code updates various fire test procedures based on the most recent laboratory experience. The new requirements in the code will be phased in gradually to minimize impact on the industry.

A contentious working group had been formed to study ways to prevent explosions on oil and chemical tankers transporting low-flashpoint cargoes. Unfortunately, the group's designated chairman suffered an injury on the eve of his departure for this meeting, and was unable to travel. The United States delegate, Ms. Brandi Baldwin was selected as the ad hoc chairman. The issue continued to generate heated debate on the application of inert gas systems to tankers lower than 20,000 DWT. The stipulation of a lower tonnage was a particular point of contention. However, the working group was able to make substantial progress on a number of significant issues, laying the groundwork for further progress at the next session.

The 55th session of the subcommittee is scheduled for February 21–25, 2011, in London.

52nd Session of the Subcommittee on Stability and Load Lines and on Fishing Vessel Safety

The 52nd session of the Subcommittee on Stability and Load Lines and on Fishing Vessels' Safety (SLF) was held during the week of January 25–29, 2010. The agenda included 13 items associated with damage stability matters, intact stability criteria development, fishing vessel safety, tonnage measurement improvement options, and seasonal load line zone amendments. To address these matters in detail, three working groups were established: intact stability, fishing vessel safety, and subdivision and damage stability (SDS). In addition, a group was established to draft terms of reference for a correspondence group on the 1969 Tonnage Measurement Convention to improve its effect on ship design and safety.

After extensive discussion, the subcommittee agreed in principle to draft guidance on the impact of open watertight doors to passenger ship survivability. This guidance will likely be coupled with guidance the DE subcommittee is developing on open watertight doors for passenger ships. Regarding stability of damage to passenger ships when returning to port, members agreed with the United States' proposal to develop only operational guidance, and not design criteria. Members also talked about damage stability regulations for ro-ro passenger ships, agreeing that further research would be needed before any measures could be considered. The subcommittee also held a lengthy discussion about guidelines for verification of damage stability requirements for tankers and bulk carriers. They agreed that such guidelines would help ensure damage stability requirements would be consistently and effectively applied.

The subcommittee made a great deal of progress in developing new generation intact stability criteria, which would be based on a layered vulnerability approach. This resulted in amendments to update the 2008 Intact Stability Code's MODU stability provisions with the 2009 MODU Code.

Members also worked on improving fishing vessel safety by agreeing to draft safety recommendations for small fishing vessels. It was proposed that the recommendations be translated into the six official IMO languages, with additional funding for translation into other user languages. The committee was also asked to establish an intersessional meeting of the working group to work on implementing the 1993 Torremolinos Protocol to the 1977 Fishing Vessel Safety Convention.

Work for the upcoming SLF 53 will include a discussion of amendments to the 1996 Load Line Convention and the 1988 Load Line Protocol, which would shift the Winter Seasonal Zone off the tip of Africa farther south by 50 miles. Discussions will also continue on revisions to SOLAS chapter II-1 subdivision and damage stability regulations.